

Amendments to the Drawings:

The attached 4 sheets of drawings for Figs. 5-8 replace the previous Figs. 5-8. The drawings have simply been amended to provide a second example of an independent custom web site for greater clarity.

Attachment: 4 pages of replacement sheets for Figs. 5-8.

Remarks

Applicant thanks the Examiner for his time and attention to this application. Applicant will respond to each objection in the order raised by the Examiner in the Office Action.

Drawings

Although the Examiner made no objections to the drawings, the Applicant has made some voluntary amendments by simply providing a second web page example in Figs. 5-8. This was done to illustrate the differences that may exist between custom web sites provided by the invention. No new subject matter was added by way of the amendment to the drawings.

Specification

Although the Examiner made no objections to the specification, the Applicant has made some minor voluntary amendments to more clearly define the invention. No new subject matter was added by way of the amendment to the specification.

Elections / Restrictions

The examiner withdrew claims 28-33 from consideration on the basis that they are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 28 recites sign-up module for enrolling an affinity group.

The applicant respectfully notes that claims 28-33 were replacements of original claims 16-23 which claimed people and therefore did not comply with 35 U.S.C. 101. Claim 18 of the original application, for example, included an Internet service system for assisting a group in establishing a Web site. This aspect of the Internet service system was renamed a "sign-up module" in claim 28, to be consistent with the sign-up module 12b of the Internet service providing system 12 of the Business System of Fig. 1 and several references in the disclosure:

- page 4, paragraph 1: "Figure 3 shows a sign-up page..."

- page 6, paragraph 1: "... a sign-up module 12b for enrolling..."
- page 7, paragraph 1: "... a sign-up icon 22..."
- page 7, paragraph 1: "... the sign-up process..."
- page 7, paragraph 1: "... clicks on the sign-up icon 22..."
- page 7, paragraph 1: "... a sign-up page..."
- page 7, paragraph 2: "... a sign-up page designed..."
- page 7, paragraph 2: "... the sign-up page of FIG. 2..."
- page 7, paragraph 2: "... the sign-up module 12b is activated..."
- page 7, paragraph 2: "... the sign-up module 12b also determines..."
- page 7, paragraph 2: "... the sign-up module 12b generates..."
- page 7, paragraph 2: "... the sign-up page, which is sent..."
- page 7, paragraph 1: "... online sign-up process..."
- page 7, paragraph 1: "... paper version sign-up process..."
- page 8, paragraph 1: "... after the sign-up process."

The applicant respectfully submits that claims 29-33 are also based on the original claims and disclosure and earnestly requests that amended claims 28, 29, 31 and 33 be reinstated for consideration, as they describe the Internet providing system, which is an important aspect of the invention.

Claims Objections

The examiner objects to claim 1 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 1 has been amended such that it is in proper independent form.

Claim Rejections

The examiner rejects Claims 6-9 and 24 under 35 U.S.C.102(e) as being anticipated by Cronin U.S. Patent Application Publication 2001/0032145 and provides detailed reasons with respect to each claim. The Applicant traverses the Examiners reasons and explains the differences between Cronin and the present application. In the following remarks, the Examiner's rejections appear in normal, non-italic type, applicant's responsive remarks appear in italics.

Referring to claim 1, 6 and 24. Cronin discloses a method according to claim 24 as indicated below. Cronin further discloses a method wherein said Internet service comprises assisting a group in establishing a Web site (Cronin: paragraph 0034).

The Applicant respectfully submits that the Web site Cronin refers to providing for distributors would be more accurately described as a customized view of a single group Web site. Cronin provides access to a shared Web site (Cronin: paragraph 0041) that appears the same for all distributors (Cronin: paragraph 0030), with the exception of some level of customized content (Cronin: paragraphs 0014, 0037, 0041) that must be displayed in a pre-determined position according to a boilerplate that is common to all distributors (Cronin: paragraphs 0034, 0041) and must be accessed through a single shared URL (Cronin: paragraphs 0002, 0013, 0026, 0028).

Conversely, the Applicant's invention provides distinct Web sites that are not shared in any way and can have completely independent content, be accessed through independent domains and hosted on independent Web servers and are in all other aspects understood by those skilled in the art to be independent Web sites. While Cronin acknowledges that it is advantageous to provide completely independent Web sites, he understands that his invention is only capable of making it seem that the sites are independent (Cronin: paragraph 0039). The Applicant respectfully notes that the innovation required to provide completely independent Web sites goes well beyond that which is required to provide a customized view of a single group Web site.

For great clarity however, claim 6 has been cancelled and claim 1 has been amended to incorporate the details of cancelled claims 6 and 24.

Referring to claim 7. Cronin discloses a method according to claim 6 as indicated supra. Cronin further discloses a method comprising a step of preparing and maintaining a plurality of Web site frameworks, each of which serves as a basic architecture in creating said Web site (Cronin: paragraph 0034).

The applicant respectfully notes that Cronin provides a single collection of Web page templates having a standard format that are used by all customized views of the single group Web site (Cronin: paragraph 0031). By contrast, the Applicant's invention

provides a plurality of collections of Web site pages (referred to as Web site frameworks), which can be used as starting points for building independent custom Web sites that can be customized by the users to any degree. Moreover, claim 7 has been amended to be dependent upon claim 1 and Cronin's invention does not provide independent custom Web sites as indicated supra.

Referring to claim 8. Cronin discloses a method according to claim 7 as indicated supra. Cronin further discloses a method wherein said framework is designed to include a hyperlink to an e-tailing system (Cronin: paragraph 0034).

The Applicant respectfully notes that Claim 8 is dependent on claim 7 and Cronin's invention does not provide a plurality of Web sites frameworks as indicated supra. Moreover, claim 8 is dependent upon claim 1 and Cronin's invention does not provide independent custom Web sites as indicated supra. Claim 8 has also been amended to better reflect the uniqueness of the Applicant's invention.

Referring to claim 9. Cronin discloses a method according to claim 7 as indicated supra. Cronin further discloses a method wherein said Web site framework is configured to guide and help said group to create said Web site. (Cronin: paragraph 0034).

The Applicant respectfully notes that claim 9 is dependent upon claims 7 and Cronin's invention does not provide a plurality of Web sites frameworks as indicated supra. Moreover, claim 9 is dependent upon claim 1 and Cronin's invention does not provide independent custom Web sites as indicated supra. Claim 9 has also been amended to better reflect the uniqueness of the Applicant's invention.

Referring to claim 24. Cronin discloses a method of providing an Internet service, the method comprising the steps of:

- Receiving instructions for generating a Web site (Cronin: paragraph 0034); and
- Assembling the Web site based upon the instructions (Cronin: paragraph 0034).

The applicant has cancelled claim 24.

The Applicant notes that claims 6 and 24 have been cancelled and trusts that the Examiner agrees that amended claims 7-9 now comply with 35 U.S.C. 102(e).

The Examiner rejects claims 1, 3-4, 10, 14-15, and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141 in view of Cronin U.S. Patent Application Publication 2001/0032145 and provides detailed reasons with respect to each claim. The Applicant traverses the Examiners reasons and explains the differences between Cronin and Bezos and the present application.

Referring to claim 1. Bezos discloses a method of promoting and selling items comprising the steps of:

- Providing an e-tailing system for displaying information relating to items available for purchase, and for receiving and processing orders to purchase such items (Bezos: abstract: "Following, registration, the associate sets up a Web site to distribute hypertextual catalog documents that include marketing information about selected products of the merchant");
- Providing a hyperlink from a Web site to the e-tailing system (Bezos: abstract: "In association with each such product, the catalog document includes a hypertextual 'referral link' that allows a user to link to the merchant's site and purchase the product.");

The Applicant respectfully notes that Bezos only provides a link that someone skilled in the art can embed into their independent Web site; whereas, the Applicant's invention provides an independent Web site with an embedded link. Claim 1 has been amended to better reflect this distinction.

- At the e-tailing system, receiving a plurality of orders to purchase items, the plurality associated with said Web site and using the hyperlink to access the e-tailing system from said Web site. (Bezos: Figure 10a: "Best of all is that because of our association with Amazon Books we can get any book you want, at any time of day or night... ");

The Applicant respectfully notes that Bezos does not provide custom Web sites, as does the Applicant's invention. Claim 1 has been amended to better reflect this distinction.

- Processing the plurality of orders at the e-tailing system and identifying a corresponding plurality of items purchased (Bezos: Figure 10c); and
- Shipping the plurality of items purchased to a geographical location associated with the plurality of purchasers (Bezos: column 6, lines 12-20).

Applicant has amended Claim 1 to exclude this last point.

Bezos does not expressly disclose receiving instructions for generating a Web site-and assembling the Web site based upon the instructions. Cronin discloses a method comprising the steps of receiving instructions for generating a Web site and assembling the Web site based upon the instructions (Cronin: paragraph 0034).

At the time the invention was made it would have been obvious to modify the system of Bezos to have included the limitations as taught by Cronin in order to allow individual distributors, partners or members of a multi-level, or multi-level-like company to operate a Web-based business that takes advantage of the infrastructure, product offerings, and other resources of large multi-level parent company, while maintaining the characteristics and strength of the individual distributor, partner or member (Cronin: paragraph 0012).

The Applicant respectfully submits that Cronin does not provide independent custom Web sites, but rather, a customized view of a single group Web site. Cronin provides access to a shared Web site (Cronin: paragraph 0041) that appears the same for all distributors (Cronin: paragraph 0030), with the exception of some level of customized content (Cronin: paragraphs 0014, 0037, 0041) that must be displayed in a pre-determined position according to a boilerplate that is common to all distributors (Cronin: paragraphs 0034, 0041) and must be accessed through a single shared URL (Cronin: paragraphs 0002, 0013, 0026, 0028).

Conversely, the Applicant's invention provides distinct Web sites that are not shared in any way and can have completely independent content, be accessed through independent domains and hosted on independent Web servers and are in all other aspects understood by those skilled in the art to be independent Web sites. While

Cronin acknowledges that it is advantageous to provide completely independent Web sites, he understands that his invention is only capable of making it seem that the sites are independent (Cronin: paragraph 0039). The Applicant respectfully notes that the innovation required to provide completely independent Web sites goes well beyond that which is required to provide a customized view of a single group Web site. For greater clarity, claim 1 has been amended to better reflect this distinction.

Referring to claim 3. Bezos further discloses a method comprising steps of:

- Packaging said goods into a member package (column 6, lines 12-20 and column 16, lines 28-42);
- Packaging said member package into a group package (column 6, lines 12-20 and column 16, lines 28-42);
- Delivering said group package to said geographic allocation (column 6, lines 12-20 and column 16, lines 28-42).

The Applicant respectfully notes that Bezos does not package member packages into group packages. Moreover, claim 3 is dependent on claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra.

Referring to claim 4. Bezos discloses a method wherein said group package is delivered in a predetermined interval or period (Figure 8, "This item usually ships within 24 hours. ").

The Applicant respectfully notes that Bezos does not ship group packages as indicated supra. Moreover, Bezos does not deliver in a predetermined interval (e.g. every Thursday at 3pm), but rather in an interval that is dependent on the time the order is placed (e.g. with 24 hours). Moreover, claim 4 is dependent on claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra.

Referring to claim 10. Bezos further discloses a method wherein said hyperlink is embedded in said Web site as to reference an electronic store, wherein said electronic store includes a customized-electronic store of said group (Figure 6).

The Applicant respectfully notes that Bezos does not provide a customized electronic store and submits that Figure 6 is a document of the associate's Web site which is not provided by Bezos (column 3, lines 63-64). Claims 10 has been amended to better reflect this distinction. Moreover, claim 10 is dependent on claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra and therefore do not embed a hyperlink in said Web site.

Referring to claim 14. Bezos further discloses a method comprising a step of posting on said Web site an advertisement and information relating to said e-tailing system (Figure 8)

The Applicant respectfully notes that claim 14 is dependent on claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra and therefore do not provide a method of posting anything to said Web sites.

Referring to claim 15. Bezos further discloses a method comprising a step of enrolling said group as a membership or partnership (abstract).

The Applicant respectfully notes that claim 15 is dependent on claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra.

Referring to claim 25. Bezos further discloses a method comprising a step of offering for sale in the e-tailing system products and service of a group. The Examiner notes, data identifying the type of group (i.e. Affinity) is only found in the nonfunctional dated stored via the system. Data identifying a group is not functionally related to the substrate of the system. Thus, this descriptive material will not distinguish the claimed invention from the prior art in term of patentability, see *In re Gulaek*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

The Applicant notes that Bezos only offers the products and services of the Merchant only (e.g. Amazon.com Inc. column 3, lines 26-27: "An important part of the invention is that it allows the task of marketing the merchant's products..."). Because the Applicant's invention provides a customized electronic store for an affinity group according to claim 10, it can be used to market the products and services of the affinity

group. Moreover, claim 25 is dependent upon claim 1 and neither Bezos nor Cronin provide independent custom Web sites as indicated supra.

Referring to claims 26-27. Claims 26-27 are rejected under the same rationale as set forth above.

The Applicant has cancelled claims 26-27.

The Applicant notes that claims 1, 3, 10, 14 and 25 have been amended and claims 26 and 27 have been cancelled. The Applicant trust that the Examiner agrees that the claims now comply with 35 U.S.C. 103(a).

The following example, which is illustrative of certain novel aspects of the present invention, is also presented for the Examiner's consideration.

The invention provides a method and corresponding system for selling items that involves providing e-commerce web sites to many related local organizations we refer to as affinity groups. One project we are currently working on involves providing hundreds or thousands of fitness clubs with their own distinct web sites, that have an embedded e-store for selling nutritional supplements.

This approach is considerably different and more complex than that of a typical online e-tailer (e.g. amazon.com) that uses a single site for selling their products, but there are many advantages:

- The local fitness clubs already have a customer base who would visit the web site for other reasons (e.g. find an aerobics class, book a health club, etc.).
- Club professionals represent a skilled sales staff.
- Online privacy/security concerns are mitigated by customers using a local organization that they are familiar with.
- Can reach the nearly 99% that are still buying offline through a club kiosk.
- Can save on shipping costs by consolidating shipments for many members of the local organization.

Despite the many advantages of this distribution method, it would not be practical to build these independent web sites one at a time. The invention therefore utilizes web site frameworks and a distributed e-tailing system. The web site frameworks enable fitness clubs to quickly set up their own web site and customize it to meet their needs. Their web site is completely independent and can be hosted anywhere they like. Their web site also has an embedded custom e-store, which is provided by the distributed e-tailing system. The e-tailing system provides custom e-stores that have the following unique characteristics:

- can be embedded in a custom web site

- can take on the characteristics of the web site in which they are embedded (e.g. colour, style, navigation, etc.,)
- can support custom featured items (e.g. local club recommendations)
- can support custom products (e.g. local club memberships)

There are other unique features of the distributed e-tailing system, such as the ability to generate commissions for the affinity groups and package and ship orders by affinity group.

Both Cronin and Bezos provide a single web site. We are not aware of any prior art for a method of selling items, which involves providing a distributed e-tailing system and custom web sites that are independent and can be hosted on disparate web servers. I have amended the application to emphasize that without adding any new subject matter. You will find that all amendments are fully supported by the disclosure.

Conclusion

In view of the above remarks, and having dealt with all of the Examiner's objections, reconsideration and allowance is earnestly requested.

If any additional fees are required by this communication, please notify me.

Respectfully Submitted By:



Matt Bondy
(519) 744-3001
mbondy@intrinity.com

Intrinity Incorporated
1072 Sawmill Road,
Waterloo, ON
N2J 4G8
CANADA